

United States District Court

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

PETER DANIEL COLLINS,
EMILY KATHERINE WEITZEL, and
DANIEL IVAN PORTER

ORIGINAL

CRIMINAL COMPLAINT

Case Number:

3 06 70838

BZ

FILED

DEC 21 2006

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
RICARDO W. WIEKING

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my

knowledge and belief. On or about November 1, 2006 in Humboldt County, in
(Date)
the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

abstract, purloin, willfully misapply, and take and carry away with intent to steal, any money, funds, and other property of a value in excess of \$1,000 belonging to a gaming establishment operated by and for and licensed by an Indian tribe pursuant to an ordinance and resolution approved by the National Indian Gaming Commission

in violation of Title 18 United States Code, Section(s) 1167(b)

I further state that I am a(n) Special Agent, California Department of Justice and that this complaint is based on the
Official Title
following facts:

See affidavit of Clyde Raborn, attached hereto and incorporated by reference

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved
As To
Form: R. D. Rees
AUSA

Clyde Raborn
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

at San Francisco, California

City and State

HON. BERNARD ZIMMERMAN,
Name & Title of Judicial Officer

U.S. Magistrate Judge

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1 I, Clyde M. Raborn, being duly sworn, declare and state:

3 I. INTRODUCTION

4 I submit this affidavit in support of an application for warrants to arrest PETER
5 DANIEL COLLINS, EMILY KATHERINE WEITZEL, and DANIEL IVAN PORTER
6 for violations of Title 18, United States Code, Section 1167(b)—Theft of over \$1,000
7 from a Gaming Establishment on Indian Lands.

8 As described more fully herein, there is probable cause to believe that PORTER,
9 COLLINS, and WEITZEL successfully stole \$198,000 from the vault in the caged work
10 room at the Cher-Ae-Heights Indian Casino in California. PORTER was the “inside
11 man,” an employee in the surveillance room of the Casino with keys and electronic access
12 to three security doors leading to the Casino vault and to the vault itself. On November 1,
13 2006, after a dress rehearsal the night before, PORTER transferred his security keys to
14 WEITZEL, the “handoff woman” who was playing slots in the Casino. Once in
15 possession of the keys, WEITZEL donned a disguise, then handed the keys off to
16 COLLINS, “the disguised man” who was dressed up as a Casino security officer.

17 COLLINS used the keys to get past the first locked security door. When the keys
18 would not open the second and third security doors, “inside man” PORTER opened them
19 from the surveillance control room, granting access to the caged security room and the
20 Casino vault. Once inside, COLLINS crawled his way to the vault because a Casino
21 employee was present in the caged room. To assist in getting COLLINS access to the
22 vault, the “handoff woman,” WEITZEL, called this Casino employee and distracted him
23 with a four-minute conversation. Meanwhile, COLLINS opened the vault and put
24 \$198,000 in cash into a duffel bag. COLLINS made his way out of the secure area,
25 handed the keys back to WEITZEL, then drove away with the money. WEITZEL
26 returned the keys to PORTER then drove off herself. Further investigation revealed that
27 WEITZEL and COLLINS traveled across state lines to Washington state.

28 The facts and information contained in this affidavit are based on: (1) interviews I

1 personally have conducted with witnesses; (2) conversations I have had with state and
2 local law enforcement officials; (3) investigative reports and other law enforcement
3 documents I have reviewed; (4) search warrants that have been served during this
4 investigation; (5) surveillance I have conducted; (6) surveillance footage I have reviewed
5 from Cher-Ae-Heights Casino; and (7) financial records and other documentary evidence
6 I have reviewed. Because this affidavit is submitted for the limited purpose of obtaining
7 arrest warrants, I have not included every fact developed through this investigation. I
8 have, however, set forth facts establishing probable cause to believe that DANIEL
9 PORTER, PETER COLLINS, and EMILY WEITZEL, among others, have committed
10 violations of 18 U.S.C. § 1167(b)—Theft of over \$1,000 from a Gaming Establishment
11 on Indian Lands.

12 13 **II. APPLICABLE STATUTE**

14 Title 18, United States Code, Section 1167(b), entitled “Theft from gaming
15 establishments on Indian lands,” provides in relevant part that “[w]hoever abstracts,
16 purloins, willfully misapplies, or takes and carries away with intent to steal, any money,
17 funds, or other property of a value in excess of \$1,000 belonging to a gaming
18 establishment operated by or for or licensed by an Indian tribe pursuant to an ordinance or
19 resolution approved by the National Indian Gaming Commission” has committed a felony
20 offense.

21 22 **III. AFFIANT’S BACKGROUND**

23 I have been employed as a Special Agent with the California Department of Justice
24 since November 1997. Between November 1997 and September 2000, I was a Special
25 Agent with the Bureau of Narcotic Enforcement. From September 2000 to the present, I
26 have been a Special Agent with the Division of Gambling Control (“DGC”). Prior to
27 joining the California Department of Justice, I was employed by the Tulare County
28 Sheriff’s Department for approximately twenty-one years. I was assigned for sixteen

1 years to a Homicide/Property Crimes Unit. I am currently assigned to investigate crimes
2 occurring in California which are related to gaming establishments on Indian lands.

3 While employed by DGC and the Tulare County Sheriff's Department, I have
4 participated in over 60 embezzlement or theft investigations. These cases involved the
5 use of numerous investigative techniques, including physical and electronic surveillance,
6 execution of 30 search warrants, and undercover operations. These cases resulted in over
7 100 arrests of suspects involved in embezzlement, fraud, grand theft, and burglary. I have
8 spoken on numerous occasions with informants, witnesses, suspects, expert computer
9 crime investigators, and other experienced fraud investigators concerning the methods
10 and practices of suspects who embezzle monies from businesses in general and Tribal
11 gaming establishments in particular. In addition, I have been the investigating Agent on a
12 number of investigations focusing on embezzlement from Tribal gaming establishments.
13 A number of these investigations led to the issuance of search warrants, arrests of
14 multiple suspects, and felony prosecutions. I have testified on a number of occasions in
15 the Los Angeles, Riverside, Tulare, Fresno, Mendocino, Humboldt, Kern, Kings, and San
16 Bernardino Superior Courts in felony cases. In addition, I have attended a training course
17 conducted by DGC and the National Indian Gaming Commission. I also have attended a
18 40-hour Gaming Investigators Academy conducted by the Nevada Gaming Commission.

19 20 **IV. FACTS ESTABLISHING PROBABLE CAUSE**

21 **A. Background Regarding the Tribe and the Casino**

22 I am aware, based on information obtained in the course of this investigation and
23 previously, that the Cher-Ae- Heights Indian Community of the Trinidad Rancheria ("the
24 Tribe") is a tribe of Indians subject to the laws of the United States relating to Indian
25 affairs. The Tribe is currently, and has been at all times since at least 1946, recognized by
26 the federal Bureau of Indian Affairs as a "Federally Acknowledged Tribe." The Tribe's
27 reservation is located in Humboldt County, in the Northern District of California.

28 The Tribe also owns and operates a casino called the "Cher-Ae-Heights Casino"

1 ("the Casino") on its reservation. The Casino was originally approved by ordinance in
2 1988 by the National Indian Gaming Commission, and continues to operate today and at
3 all times during the events recounted below pursuant to that ordinance. The Casino is
4 open 24 hours a day, and was open at all times during the events recounted below.

5
6 **B. The Heist**

7 I became involved in this investigation on November 1, 2006, when I learned that
8 the Casino was the victim of the theft of approximately \$198,000. This is a joint
9 investigation conducted by the California Department of Justice, Humboldt County
10 Sheriff Department Detectives Steven Quenell and Ben Nord, and IRS Special Agent
11 Kevin Caramucci.

12 During the course of this investigation, Eric Dunphy assisted me with the review
13 of surveillance footage from the Casino. Eric Dunphy is the Surveillance Manager at the
14 Casino and has held this position for approximately four years. Dunphy indicated that the
15 surveillance department deploys 146 VCRs that are connected to approximately 150
16 cameras located both within and outside the casino. It should be noted that Dunphy told
17 me that while the 146 VCRs simultaneously record information, they are not time-
18 synchronized, so two cameras recording the same event will not necessarily have identical
19 time stamps down to the second.

20 Surveillance footage provided by the Casino, along with other evidence more fully
21 described herein, indicates that a theft was committed from the Casino's vault at
22 approximately 0330 hrs. on November 1, 2006 by a disguised male dressed as a security
23 guard. The evidence indicates that this disguised male knew the Casino floor plan and
24 had keys and electronic access that allowed him to get into secured areas of the casino,
25 access that was provided by a Casino employee and a disguised woman.

26 DANIEL PORTER was the only employee working in the Casino's surveillance
27 room at the time of the theft, and was the only employee in the surveillance room from
28 about 0200 hrs. on October 31, 2006 until the morning of November 1, 2006. The

1 surveillance room is the nerve center for the Casino. The surveillance room operates the
2 Casino surveillance cameras and electrical locks, activities that can only be performed
3 from the surveillance room. These electrical locks allow employees access to the
4 vault/cashier area of the Casino. In addition, the surveillance room has keys to gain
5 access through the security doors the disguised male passed in order to reach the vault.
6 The following events are based on my review of the surveillance footage:

7 1. The Disguised Man (PETER COLLINS)

8 At approximately 0153 hrs. on November 1, 2006, a light colored sedan and a dark
9 colored sedan traveled southbound on Scenic Drive, one behind the other. These cars
10 then turned left into the parking lot adjacent to the north side of the Casino in the opposite
11 direction of traffic and parked. The dark sedan appeared only to have a driver in the
12 vehicle, while the light colored car parked out of view.

13 At approximately 0315 hrs., an unidentified male walked toward the Casino from
14 the direction of the two cars. The unidentified male walked up the stairs from the north
15 side of the Casino, near the restaurant entrance. At approximately 0327 hrs., what
16 appeared to be the same unidentified male walked into the Casino and immediately
17 entered the men's bathroom. This unidentified male was wearing a black dress jacket,
18 gloves, a balaclava hat, black pants, and glasses. A short time later, what appeared to be
19 this same unidentified male walked out of the men's bathroom dressed in a black vest,
20 gray shirt, gloves, balaclava hat, glasses, black pants, and dark shoes. With the exception
21 of the gloves and balaclava hat, this outfit is consistent with a security guard uniform at
22 the Casino. Additionally, the glasses, gloves, and balaclava hat obscured the man's
23 features on the security camera consistent with the use of a disguise.

24 The disguised male removed keys from the right side of his belt and entered
25 through a security door, then walked up to a second security door. The disguised male
26 next attempted to use a key to access the second security door, but it did not appear to
27 work. The disguised male's left hand was still on the door handle as he started to walk
28 away, but he stopped and then turned and pushed the door open. It appeared to me, based

1 on this sequence of events and my experience with the Casino, that this second door was
2 unlocked electronically from the surveillance room. I know that only the surveillance
3 room could have unlocked that door electronically.

4 After proceeding through the second door, the disguised male found himself in the
5 "mantrap" area between two security doors. The disguised male squatted down at a third
6 security door and pulled the door open. Although the disguised male was observed with
7 keys on a lanyard, it appears that this third door was also electronically unlocked from the
8 surveillance room. I know the disguised male would have had to turn the key counter-
9 clockwise, pull the door open, then turn the key clockwise to remove the key from the
10 door. Nevertheless, it appears that this did not occur.

11 At approximately 0330 hrs., the disguised male entered the caged working area
12 containing the Casino vault. There was an employee talking on the phone in the caged
13 working area at the time. The disguised man crawled, squatted, and worked his way to
14 the closed vault door in an apparent effort to avoid being seen by the employee. As the
15 disguised male worked his way across the floor, I could see him reach with his right hand
16 and pull up a lanyard with keys attached. As the disguised male reached the vault door,
17 he tried two different keys in an effort to open it. Eventually, one of the keys worked, and
18 the disguised male opened the vault door, entered it, and closed the door behind him.

19 Once in the vault, I saw the disguised male tuck the keys and lanyard into his belt.
20 The male then approached the open safe and removed a dark-colored duffle bag from the
21 right thigh area of his pants. The disguised male started to fill the bag with U.S. currency
22 from the vault.

23 I know based on this investigation that a VCR records audio in the vault room. As
24 the disguised male was loading the cash, I could hear him breathing heavily, then heard
25 him say "shut up." At this point, I observed that the disguised male had a "bluetooth"
26 wireless receiver in his right ear that, based on my training and experience, allows hands-
27 free operation of a cell phone. I could also see that the disguised male was wearing a cell
28 phone on the right side of his waist.

1 After the disguised male said "shut up," he pulled his balaclava hat over his face
2 and neck. He then zipped the bag shut, walked back to the closed vault room door, knelt
3 down near the door, and said, "Am I clear to go out?" At approximately 0334 hrs., the
4 disguised male left the vault room, closing the door behind him.

5 I observed the disguised male leave the vault area, walk across the caged working
6 area, and exit the third security door. The disguised male walked through the "mantrap"
7 area and then through security door two. Finally, the disguised man walked toward the
8 first security door to the Casino gaming floor.

9 Once on the Casino gaming floor, the disguised male stopped and placed the bag
10 on the floor and removed a lanyard from his pants. The disguised male also pulled up the
11 balaclava hat. The disguised male walked toward the exit of the Casino and tossed a
12 lanyard toward some out-of-view pay phones. The disguised male then walked out of the
13 Casino toward the parked vehicles mentioned above. A short time later, the light-colored
14 sedan drove westbound towards Scenic Drive.

15 2. The Inside Man (DANIEL PORTER) and the Handoff Woman (EMILY
16 WEITZEL)

17 I also reviewed surveillance footage of a unidentified female adult in the area
18 where the two sedans were parked. I observed that at approximately 0152 hrs., on
19 November 1, 2006, a unidentified female adult walked away from the parked cars
20 mentioned above. I observed this female walk up the stairs toward the front entrance of
21 the Casino and go inside. She was wearing a red, long-sleeved sweater, buttoned top to
22 bottom at the front, calf-length pants, white colored flip-flops, and sunglasses and walked
23 with a distinctive gait.

24 At approximately 0214 hrs., a Casino employee positively identified as DANIEL
25 PORTER left the surveillance room carrying an unknown object. As PORTER walked
26 across the gaming floor, he passed by the female playing a slot machine. PORTER
27 walked into the Casino's deli and walked out of view of the camera near the coffee area.

28 A short time later, PORTER walked out of the deli carrying what appeared to be a

1 cup of coffee. PORTER again walked past the female, who continued playing a slot
2 machine and re-entered the surveillance area. Upon making this observation I walked the
3 route that PORTER took to return to the surveillance room. As I walked the route I found
4 PORTER's route was not the shortest closest route back to the surveillance room.
5 Instead, I found that the route allowed PORTER to pass close to the aforementioned
6 female.

7 A few minutes later, the female walked into the deli. During this time, I noticed
8 that PORTER was manually manipulating the camera in the surveillance room in order to
9 follow the movements of this female. I watched as the female then walked towards the
10 coffee area just out of view of the camera, with PORTER following her with the camera
11 all the while. At approximately 0219 hrs., the female reappeared from the coffee area and
12 left the deli. Based on my review of the evidence, and my training and experience, I
13 believe that PORTER transferred his security keys to the female by leaving them for her
14 in the deli.

15 At approximately 0222 hrs., the female walked out the right front door of the
16 Casino. As the female walked by the camera toward the two parked cars, I saw part of a
17 dark-colored shirt protruding from the back of her neck. As the female got close to the
18 parked vehicles, the dome light came on in the inner compartment of the dark sedan.
19 Based on my review of the evidence, and my training and experience, I believe that the
20 "handoff woman" transferred PORTER's security keys to the "disguised man" at some
21 point while she was near the sedans.

22 About a half hour later, at approximately 0303 hrs., a female whose face was not
23 visible walked away from the parked vehicles towards the entrance of the Casino. The
24 woman was wearing a baseball cap, a long sleeved, dark colored pullover shirt, and
25 sunglasses, and appeared to have longer hair than the woman who approached the sedans
26 a half-hour before. Nevertheless, based on my training and experience, the proximity and
27 timing, and her distinctive gait, I believe this was the same female I observed earlier in
28 the Casino. Based on my training and experience, the woman had donned a disguise,

1 including possibly a wig.

2 A few minutes later, the disguised female was observed on the surveillance tapes
3 playing a slot machine. A nearby Casino camera operated by PORTER in the
4 surveillance room manually panned toward the woman before resuming its automatic 360
5 degree pan of gaming floor. Soon after, PORTER left the surveillance room and walked
6 across the playing floor towards the deli. PORTER walked past the female while looking
7 in her direction. PORTER entered the deli, got a cup of coffee, then was out of view for a
8 couple of minutes. Then, at 0325 hrs., PORTER took an alternate route from the deli
9 back to surveillance room, again walking past the disguised female.

10 At approximately 0324 hrs., the disguised female walked down the hallway
11 towards the out-of-view pay phone area. At this point, I noticed PORTER was
12 manipulating surveillance cameras to follow Casino security officers. It should be noted
13 that, within a few minutes of the disguised female walking out of view at the pay phones,
14 the disguised male entered the casino in the same general area where the disguised female
15 walked out of view.

16 Later, at approximately 0334 hrs., around the same time that the disguised man
17 was crawling his way to the vault, records from the pay telephones near the disguised
18 woman show a telephone call to the caged room, (707) 677-3611 ext. 2573. Detective
19 Quenell told me that the phone records show that this call lasted approximately four
20 minutes, and was placed directly to the phone next to the sole cashier on duty in the caged
21 room at the time.

22 I contacted the caged room employee on duty at the time, Frank Huggins. I
23 inquired about the telephone call he received at on the night of November 1, 2006.
24 Huggins told me this call was from a female adult inquiring about cashing a check at the
25 Casino. Huggins told me that this female adult kept him on the telephone for a number of
26 minutes. It should be noted that, as an employee of the Casino, PORTER would have had
27 access to the direct telephone extension for the phone next to Huggins. It should also be
28 noted that, from my review of the surveillance tapes, the four minute phone call to

1 Huggins appears to have been sufficiently lengthy and sufficiently distracting so as to
2 provide the disguised man with access to the vault in the caged room so that he could pull
3 off the theft.

4 During much of this time, PORTER was manually operating the cameras,
5 following security staff in the Casino and performing complete manual scans of the
6 gaming floor. Indeed, specifically during the four minutes that the disguised male was in
7 the vault room, the surveillance footage showed PORTER tracking and identifying the
8 locations of all Casino Security Staff. As noted above, after obtaining the money from
9 the vault, the disguised man asked via his "bluetooth" wireless headset if it was clear to
10 come out. Based on my review of the surveillance footage, and the position of casino
11 personnel, I believe that only PORTER was in a position to tell the disguised male that it
12 was all clear to exit the vault.

13 Soon after the "disguised man" tossed the lanyard toward the pay phone area on
14 his way out of the Casino, the "handoff woman" emerged from that area and went to the
15 ladies room. She then made a final trip to the deli, followed by PORTER, who reemerged
16 carrying what appears to be an object cupped in his hand. Based on my review of the
17 evidence, and my training and experience, I believe that the "handoff woman" transferred
18 PORTER's security keys back to him at this point.

19 At approximately 0351 hrs., the disguised female walked out the right front door
20 of the casino towards the dark colored sedan. Shortly after the heist was complete, the
21 dark sedan's drove out of the Casino parking lot towards Scenic Drive.

22 23 **C. The Dress Rehearsal**

24 During this investigation, I learned of a suspicious event that took place at the
25 Casino the night before the heist described above. In the early morning hours of October
26 31, 2006, caged work room employee Brandi Reid received a telephone call from
27 surveillance employee DANIEL PORTER at the wrong telephone extension. Reid was
28 suspicious because PORTER knew where Reid was sitting, given that he could view Reid

1 from the surveillance room. Nevertheless, PORTER called Reid at the telephone
2 extension for Huggins, the man who was on duty the night of the heist.

3 When Reid picked up the phone, PORTER told her that he was going to check
4 some cameras in the caged work room. Eventually, PORTER did come to the caged
5 room (where the vault is stored) to examine the cameras. To do so, he walked through
6 security doors one, two, and three. A review of the surveillance tapes the night before the
7 heist show that PORTER manipulated some of the cameras in the security area during
8 that time. I later learned that it is not within PORTER's job duties to check on any of the
9 surveillance cameras, and that no one is supposed to change, work on, or move cameras
10 without manager approval.

11 Around the same time PORTER walked to the caged room, a dark colored sedan
12 arrived at the Casino. This sedan looked similar to the one used by the disguised male
13 and female the night of the heist. The vehicle drove up to the Casino intersection and
14 parked in the same area that the suspects parked in on the night of the theft. A
15 unidentified male exited the driver's door of this vehicle and walked towards the Casino
16 via the same path the "disguised male" took on the night of the theft.

17 At approximately 0257 hrs., after smoking a cigarette, the same unidentified male
18 entered the Casino and walked into the men's bathroom. This unidentified male was
19 wearing dark pants, a dark jacket with white stripes running the length of the arms, and a
20 balaclava hat. Without walking to the gaming floor, the unidentified male exited the
21 men's bathroom a few minutes later and left the casino by the same route he came. I
22 believe this was the same person as the disguised man who stole money from the Casino
23 vault the next night.

24
25 **D. Identifying the "Disguised Man" as PETER COLLINS, the "Handoff**
26 **Woman" as EMILY WEITZEL, and Connecting Them to "Inside**
Man" DANIEL PORTER

27 Soon after the heist described above, agents actively investigated the heist in an
28 effort to determine the identities of the "disguised man" and the "handoff woman" who,

1 along with DANIEL PORTER, were involved in the theft of \$198,000 from the Casino.
2 The day after the theft, November 2, 2006, I assisted in executing a State of California
3 search warrant for Casino employee DANIEL PORTER's residence at 1146 Gassoway
4 Road, McKinleyville, California. During the service of this search warrant, PORTER's
5 cellular telephone was seized as authorized by the warrant.

6 A forensic review of PORTER's cellular telephone was performed. Between the
7 dates of October 28, 2006 and October 30, 2006, PORTER sent text messages to Cingular
8 Wireless cellular number (510) 384-9445 six times. These messages read as follows:

9 10/28/06-1938 hrs. "rest up. I'll call u tom."

10 10/29/06-1239 hrs. "Got a car. Come over whenever or I can pick u up"

11 10/29/06-1349 hrs. "No thx"

12 10/29/06-1630 hrs. "K"

13 10/29/06-1945 hrs. "U need 2 be here soon"

14 10/30/06-2030 hrs. "Be @ gas in 20. Can u bring my cigs? On table or living room"

15 On November 22, 2006, I obtained a State of California search warrant asking for
16 detailed telephone records for this same Cingular Wireless mobile telephone number,
17 (510) 384-9445. The subscriber's name was PETER COLLINS, California driver's
18 license number A5799933. These records indicate that COLLINS's phone was in use
19 during the time that the Casino heist was occurring (I have not yet obtained information
20 on the number he was connected to). As noted above, I saw the "disguised man" actively
21 use what I believed to be a bluetooth wireless headset accessory for a cell phone while
22 perpetrating the theft.

23 After executing the search warrant for Casino employee PORTER's house, agents
24 surveilled PORTER's movements on November 8, 2006. That day, PORTER went to a
25 Western Union location within the Safeway Market at the corner of Harris and Central in
26 Eureka, California. While there, PORTER spoke with a customer service representative
27 in an attempt to get a delivery of a large sum of money. The costumer service
28 representative later told the surveilling agent that there was a problem receiving the

1 money, so PORTER said he would come back another time.

2 PORTER returned to a different Western Union location in Eureka later that day.
3 Subsequent investigation and conversations with Western Union representatives revealed
4 that PORTER received two wires of \$950 dollars within the space of five minutes, each
5 sent from a Safeway Market in Arlington, Washington. The first sender gave the name
6 "John Hollins," with a telephone number of (707) 496-6103 and a general delivery
7 mailing address in Arcata, California. The second sender gave the name "Julie
8 Andrews," with a telephone number of (425) 330-8323 and a general delivery address in
9 Arcata, California.

10 I checked the received calls from PORTER's cellular telephone that was seized at
11 the time of the service of the search warrant. I found the telephone number that "Julie
12 Andrews" left with Western Union had called PORTER's cellular telephone on October
13 17, 2006 at 1817 hrs., a few weeks before the heist. Investigators also called "John
14 Hollins's" telephone number at (707) 496-6103, and were connected to a voice mail
15 message of a male adult. The voice mail message said, "This is Pistol Pete. Leave a
16 message." It should be noted that COLLINS's first name is Peter.

17 On November 28, 2006, investigators contacted the Arcata Post Office and learned
18 that on or about October 19, 2006, a few weeks before the heist, both COLLINS and a
19 woman named EMILY WEITZEL changed their address from 1406 Chickadee Ct.,
20 McKinleyville, CA to General Delivery, Arcata, CA. The next day, Arcata Post Office
21 employees revealed that WEITZEL and COLLINS had again requested a change of their
22 mailing addresses, this time to 12609 52nd Drive NE, Marysville, Washington 98271.
23 Investigation revealed that this Marysville, Washington address is a few minutes drive
24 from the Safeway from which "Peter Hollins" and "Julie Andrews" sent \$1,900 to
25 PORTER via Western Union.

26 Agents accessed public records information for COLLINS and WEITZEL.
27 COLLINS registered a 1995 Jeep at 1406 Chickadee Ct., McKinleyville, California
28 95519. Records also revealed that WEITZEL contacted Humboldt State University

1 Police on February 8, 2006 to jump-start a dark green Acura Integra. At that time,
2 WEITZEL gave an address of 1406 Chickadee Ct., McKinleyville, California. A law
3 enforcement records check also revealed that Eureka Police had stopped a dark green
4 Acura Integra on December 8, 2005 occupied by COLLINS and WEITZEL. Records
5 indicate the vehicle was registered to James L. Weitzel, with an address of 47786 Moen
6 Rd., Concrete, Washington.

7 Special Agent Supervisor ("SAS") Shane Redmond has reviewed Casino
8 surveillance footage numerous times attempting to identify the make, model, and color of
9 the vehicles used in the theft, particularly the dark colored sedan that parked at the Casino
10 on the night prior to the theft (10/31/06) and on the night of the theft itself (11/01/06).
11 After studying casino surveillance video footage, SAS Redmond concluded that the
12 vehicle most closely fitting the appearance of the car involved in the Casino theft was a
13 dark colored Acura Integra.

14 I viewed a DMV photograph and reviewed a physical description of WEITZEL
15 and compared them to the "handoff woman" from the Casino heist. I found WEITZEL's
16 facial features and physical description to be similar to the female that was observed on
17 the night of the theft, prior to putting on what I believe to be a disguise midway through
18 the evening of the Casino heist.

19 I also compared the picture and physical description of COLLINS with the
20 "disguised man" who robbed the Casino in the surveillance tapes. Because the thief was
21 disguised and in the Casino for a relatively short time, I do not believe he can be
22 positively identified from the tapes. Nevertheless, based on my training and experience, I
23 believe it is at least possible that the man pictured in the surveillance tapes is COLLINS,
24 given that he is roughly the same height as the description on COLLINS's license. It
25 should be noted that COLLINS's weight, as listed on his driver's license, is not entirely
26 consistent with the disguised man in the surveillance tapes, although it should be noted
27 that the man in the tapes was wearing bulky clothing.

28 //

1 **E. PETER COLLINS's and EMILY WEITZEL's Storage Locker**

2 On November 29, 2006, agents from the California Department of Justice checked
3 local storage businesses in the McKinleyville, California area in an attempt to locate any
4 storage units that might have been rented by PETER COLLINS or EMILY WEITZEL.
5 Pursuant to that investigation, an investigative agent contacted Rainbow Storage at 2001
6 Central Avenue, McKinleyville, California.

7 Rainbow Storage Manager Rader checked his records and found that on October
8 18, 2006, a few weeks before the theft, COLLINS rented storage locker 7116, with
9 WEITZEL also listed as an authorized user on the rental agreement. The agreement lists
10 (425) 330-8323 as a contact phone number; the same phone number "Julie Andrews"
11 listed on the \$950 Western Union money order to DANIEL PORTER.

12 Rader explained that each storage unit has its own access code that must be
13 inputted whenever a renter enters their storage unit. Rader said that the access code usage
14 is logged into a computer database, along with the date and time the renter accessed the
15 unit. Rader provided the following dates and times that unit 7116 was accessed since
16 COLLINS rented the storage unit:

17 Date 10/18/06: time in 0945 hrs.; time out 2045 hrs.

18 Date 10/19/06: time in 1129 hrs.; time out 1151 hrs.

19 Date 10/27/06: time in 0726 hrs.; time out 0740 hrs.

20 Date 10/27/06: time in 2042 hrs.; time out 2046 hrs.

21 Date 11/1/06: time in 0930 hrs.; time out 0950 hrs.

22 It should be noted that the last access time and date was just a few hours after the
23 Casino heist. Based on the foregoing, the Honorable Nandor J. Vadas, United States
24 Magistrate Judge for the Northern District of California, signed a search warrant on
25 December 6, 2006 authorizing the search of the aforementioned storage locker. Inside the
26 locker, agents found a red sweater consistent with the sweater WEITZEL wore the night
27 of the Casino heist before donning a disguise. Also located in a locked metal box in the
28 storage locker were empty medicine bottles in the name of Peter COLLINS. These

1 medicine bottles had information indicating the medicine was purchased from a Rite Aid
2 Store in McKinleyville, California, telephone number (707) 839-0140. It should be noted
3 that the aforementioned toll records for COLLINS's phone indicated that his phone called
4 that same number, (707) 839-0140, approximately two and a half hours after the Casino
5 heist.

6
7 **F. PETER COLLINS's and EMILY WEITZEL's Washington Residence**

8 After executing the search warrant for PETER COLLINS's and EMILY
9 WEITZEL's storage locker, I traveled to Marysville, Washington to locate the individuals
10 and identify their current residence. On December 7, 2006, at approximately 1515 hrs., I
11 drove by the residence of 12609 52nd Drive N.E., Marysville, Washington, 98271, the
12 address that WEITZEL and COLLINS left as a forwarding address at the Arcata Post
13 Office.

14 As I approached the house, I noticed that a black Ford Mustang, Washington
15 license # 554SVZ, was leaving. I followed the Mustang to a Radio Shack located at 1335
16 State Avenue N.E., Marysville, Washington. I noticed both a male adult and a female
17 adult exit the Mustang and enter the Radio Shack store. I walked into the store and
18 visually identified the male as PETER COLLINS and the female as EMILY WEITZEL.
19 In the store, I could hear COLLINS talking to the store clerk about adding additional
20 minutes to his cellular telephone. I also noticed that COLLINS was wearing two cellular
21 telephone holders on his right side, and that one of these holders is similar to the cell
22 phone holder the disguised male wore the night of the theft.

23 Based on the foregoing, the Honorable John L. Weinberg, United States Magistrate
24 Judge for the Western District of Washington, signed a search warrant on December 8,
25 2006 authorizing the search of the aforementioned residence. On December 9, 2006,
26 agents executed the search warrant and located additional evidence linking both
27 COLLINS and WEITZEL to DANIEL PORTER and the Cher-Ae-Heights Casino theft.
28 For example, under the bed in COLLINS's and WEITZEL's shared bedroom, agents

1 found a silver briefcase containing \$151,495 in U.S. currency. A check of the paper
2 money straps found on this cash compared to the type of money straps used by
3 Cher-Ae-Heights revealed that the straps matched the money straps used by the Casino in
4 both color, size, and brand.

5 Agents also found two Western Union money transfers made out to PORTER in
6 the amount of \$950 each, one from "John Hollins" and one from "Julie Andrews."
7 Additionally, agents found a Super 8 Motel receipt from Arcata, California, dated
8 October 31, 2006, the day before the Casino Heist, in the name of Emily WEITZEL, and
9 a McKinleyville, California Rite Aid receipt, dated November 1, 2006, consistent with
10 COLLINS's medicine as found in the aforementioned storage locker. Agents also found
11 a pair of black cargo pants with zippers on the outside of the pant leg similar to a pair of
12 pants worn during the heist, several grams of heroin, and three cell phones.¹

13 The Washington search warrant also authorized the search of the black Ford
14 Mustang, Washington license # 554SVZ. Agents found a sawed-off shotgun in the trunk,
15 and a loaded .32 caliber semi-automatic pistol under the driver's seat. Additionally, a
16 sales receipt inside the Mustang indicated that the car had been purchased on November
17 7, 2006. Subsequent investigation revealed that COLLINS paid \$21,297 in cash for the
18 Mustang at Skagit Ford in Washington state.

19 While the search was being executed, I asked WEITZEL if she would accompany
20 me to the Snohomish County Sheriff's Office for an interview regarding this
21 investigation, to which she consented. At approximately 0720 hrs., I transported
22 WEITZEL to the Sheriff's Office and read her her *Miranda* rights. Afterwards,
23 WEITZEL indicated she was willing to wave her rights and give me a statement, which I
24 taped.

25 During the interview, WEITZEL denied involvement in the Cher-Ae-Heights
26

27 ¹ After those cell phones were transported back to the Northern District of California,
28 the Honorable Nandor J. Vadas signed a search warrant for their contents. An analysis of the
information in the cell phones has not yet been completed.

1 Casino theft. She stated that at the time of the theft, both she and COLLINS were
2 sleeping at the Super 8 Motel in Arcata, California. WEITZEL also denied knowing
3 PORTER. I asked WEITZEL if she drove a dark green Acura Integra, and WEITZEL
4 told me that she does. WEITZEL stated this vehicle belongs to her father, though both
5 she and COLLINS drive it.

6 I asked WEITZEL if she also goes by the name of "Julie Andrews." At first,
7 WEITZEL denied using this name, but when I told her I had knowledge of her and
8 COLLINS sending money to PORTER through Western Union, she admitted that she had
9 used the name "Julie Andrews" to send money to PORTER at COLLINS's request.
10 WEITZEL stated she did not know why they were sending money to PORTER. I then
11 confronted WEITZEL once again about her involvement in the theft at Cher-Ae-Heights
12 Casino, at which point she requested to speak to an attorney. Thereafter, no further
13 questions were asked, and I transported WEITZEL back to her residence.

14 I also attempted to interview COLLINS at the Snohomish County Sheriff's Office.
15 When I read COLLINS his *Miranda* rights, he indicated that he was not willing to waive
16 his rights, and no further questions were asked of him.

18 V. CONCLUSION

19 I believe that the facts set forth in this Affidavit and the attachments hereto
20 establish probable cause to believe that PETER DANIEL COLLINS, EMILY
21 KATHERINE WEITZEL, and DANIEL IVAN PORTER have committed violations of
22 Title 18, United States Code, Section 1167(b)—Theft of over \$1,000 from a Gaming

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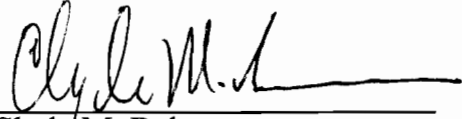
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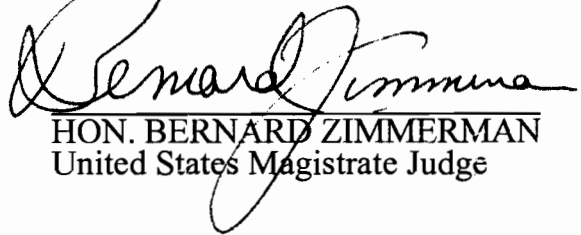
1 Establishment on Indian Lands.

2 I declare under penalty of perjury that the statements above are true to the best of
3 my knowledge and belief.

4 

5 Clyde M. Raborn
6 Special Agent
7 California Department of Justice
8 Division of Gambling Control

9 Subscribed to and Sworn Before Me This 21 Day of December, 2006

10 
11 HON. BERNARD ZIMMERMAN
12 United States Magistrate Judge
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